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P 2/2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sweitzer, et. al.	§ Group Art Unit: 2177
Serial No.: 09/996,129	§ Examiner: Channavajjala, Srirama T.
Filed: 11/28/2001	§ Attorney Docket No. AUS920010639US1
Title: System and Method for Analyzing Software Components using Calibration Factors	§ § § §

DECLARATION UNDER 37 C.F.R. § 1.131

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

DOUGLAS A. WOOD declares as follows:

1. I am an Applicant for the patent application entitled "System and Method for Analyzing Software Components using Calibration Factors," Serial No. 09/996,129, filed 11/28/2001, and an inventor of the subject matter described and claimed therein.
2. Prior to July 6, 2000, I conceived of, in the United States of America, the invention described and claimed in the subject application, as evidenced by the following:
  - a) I prepared a paper entitled "Tivoli Technology Strategy: Leverage for Speed," attached as Exhibit A hereto, which describes the invention described and claimed in the subject application. Each of the dates deleted from Exhibit A is prior to July 6, 2000.

Docket No.  
AUS920010639US1

Page 1 of 2

Atty Ref. No. IBM-1039

Sweitzer, et. al. - 09/996,129

2004-07-30 16:51

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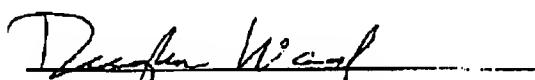
919-224-2550 &gt;&gt; 5123016742

P 2/2

## PATENT

3. From the date of conception, I was diligent in reducing the invention to practice, as evidenced by the following:
  - a) On April 9, 2001, my co-inventor and I submitted IBM Invention Disclosure Form No. AUS8-2001-0577, attached as Exhibit B hereto, which describes the invention described and claimed in the subject application;
  - b) Other presentations and the like were prepared by me and/or my co-inventor that further described the invention and show our diligence in reducing the invention to practice. As some of these documents are lengthy and in some ways redundant with materials found in Exhibits A and B, they have not been attached to my declaration at this time. However, should the Examiner of my Patent Application request further documentation showing my, and my co-inventor's, diligence towards reducing our invention to practice, I will make whatever reasonable efforts are necessary to gather such documents and provide them to the Examiner.
4. I further declare that all statements made herein of my own knowledge and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of United States Code and that such willful and false statements may jeopardize the validity of the above-referenced application and any patent issuing therefrom.

FURTHER DECLARANT SAYETH NOT.

  
DOUGLAS A. WOODDate: 7/30/2004Docket No.  
AUS920010639US1

Page 2 of 2

Atty Ref. No. IBM-1039

Switzer, et. al. - 09/996,129